IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 25251 of 2003

Between:

Nunugonda Narender S/o. Venkoba Rao R/o. H.No.1-4-412 (Old) 1-0-63 (New),, Metpally,Karimnagar District.

..... PETITIONER

AND

1 The Union of India, rep. By it's Secretary Ministry of Finance (Bank Division) G-1, Deep Building, Sansad Marg, New Delhi.
2 The Managing Director, State Bank of Hyderabad, Head office, Hyderabad
3 The Branch Manager, State Bank of Hyderabad, Metpally Main Branch, Metpally, Karimnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or a direction or a writ more particularly a writ in the nature of Writ of Mandamus declaring the enactment of Securitisation and Reconstruction of Security Interest Act 2002 and more particularly Sec.13 to 19 and Sec.34 and 35 thereof as unconstitutional being self contradictory, arbitrary, unreasonable being without legislative competence and effacing the legislative function infringing the fundamental and constitutional rights as contained in Articles 14, 19 (1) (g) 21 and 30-A of the Constitution of India and negating the right of Judicial review offending the basic structure of the constitution of India.

For the Petitioner:MR.KOMIREDDY KRISHNAVIJAY AZAD, Advocate

For the Respondent No. 1 : MR.A.RAJASHEKAR REDDY (SC FOR CG)

For respondent Nos.2 and 3: Mr A.Krishnam Raju, Advocate

The Court Made the Following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

29th June, 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1 The Secretary, Union of India, Ministry of Finance (Bank Division) G-1, Deep Building, Sansad, Marg, New Delhi

2.The managing Director, State Bank of Hyderabad, Head Office, Hyderabad.

3. The Branch Manager, State Bank of Hyderabad, Metpally Main Branch, Metpally, Karimangar district.

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